

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: February 2, 2015
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: SETTLEMENT – PUBLIC SAFETY CENTER WITH
NC DEPARTMENT OF JUSTICE (NC DOJ)

SUMMARY: Manager Bill Rich will present a settlement offer/agreement received from NC DOJ for the Hyde County Sheriff's Department v. NCDOL OSH – Docket no. 2014-5635.

The penalty for the Citation has been reduced by 35% from \$1,350.00 to \$877.50; and, a non-admission clause drafted for Board review.

RECOMMEND: Approve.

Motion Made By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Motion Seconded By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Vote: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

**BEFORE THE NORTH CAROLINA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
RALEIGH, NORTH CAROLINA**

**COMMISSIONER OF LABOR FOR
THE STATE OF NORTH CAROLINA**

COMPLAINANT,

v.

**HYDE COUNTY SHERIFF'S
DEPARTMENT
*and its successors,***

RESPONDENT.

DOCKET NO.: OSHANC 2014-5635

INSPECTION NO.: 317721538

CSHO ID.: G0703

**STIPULATION
AND NOTICE OF
SETTLEMENT**

NOW COME the parties in the above-captioned action, pursuant to Rule .0701 of the Rules of Procedure adopted by the North Carolina Occupational Safety and Health Review Commission, and respectfully show unto the Hearing Examiner as follows:

FACTS

1. Respondent is a North Carolina County Sheriff's Department duly organized and existing under the laws of the State of North Carolina. Respondent maintains a place of business in Swan Quarter, North Carolina.
2. On June 27, 2014, John Koneski, an Occupational Safety and Health Officer with the North Carolina Department of Labor, conducted an inspection of Respondent's worksite located at 1223 Main Street, Swan Quarter, North Carolina.
3. As a result of the inspection, on July 28, 2014, Complainant issued the following Citations:

CITATION NUMBER ONE (Serious)

<u>Item No.</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
1	29 CFR 1910.22(a)(1)	10/29/2014	\$1,350.00

4. The Respondent submitted a timely Notice of Contest, dated September 11, 2014.
5. The parties having reached a Settlement Agreement now seek approval of said Agreement by the Hearing Examiner.

STIPULATIONS

Effective upon approval of this Stipulation and Notice of Settlement, the parties to this action hereby agree and stipulate to the following settlement of the matters at issue herein:

1. The parties agree that as to Citation Number One, Item 1, Respondent shall have sixty (60) days following the receipt of the Order approving the Stipulation and Notice of Settlement to completely abate this Item. Respondent agrees that if additional time is needed to complete abatement, it shall file a Petition for Modification of Abatement Period pursuant to Rule .0305 of the Rules of Procedure of the Safety and Health Review Board of North Carolina. Respondent agrees that the remaining violations alleged in the Citation and Notification of Penalty have been abated, and agrees to continue to use its best efforts to comply with the requirements of the Act.

2. Complainant agrees to make the following amendments to the Citations:

(a) The penalty for Citation 1, item 1 is reduced to \$877.50;

3. Respondent agrees to continue with its present safety program, including conducting periodic meetings with employees. During such meetings, employees will be able to communicate safety suggestions or complaints to their supervisor who will forward the information to Respondent's safety spokesperson. Respondent agrees to meet regularly with its employees to discuss safety issues and receive safety suggestions or complaints from employees. Respondent's safety spokesperson shall also make recommendations regarding safety to supervisors who will then present

such information to employees at the periodic meetings. Respondent agrees that all employees who make suggestions or complaints to the Committee, shall have the same protection provided employees under Article 21, Chapter 95 of the North Carolina General Statutes.

4. The parties agree to bear their own attorney's fees, costs and other expenses that have been incurred in connection with any stage of these proceedings up to and including the filing of this Stipulation and Notice of Settlement.

5. The parties agree that this Stipulation and Notice of Settlement is a full and final settlement of the claims set out in the underlying Citation and Notification of Penalty, and none of the foregoing agreements, statements, stipulations and actions taken by the Respondent shall be deemed an admission by the Respondent of any of the allegations contained in the Citation and Notification of Penalty or waiver of defenses; provided, however, that in any subsequent proceeding with respect to matters covered by this Stipulation and Notice of Settlement brought directly under the Act by Complainant, this Agreement shall have the full force and effect of a final order. The agreements, statements, stipulations and actions herein are made solely for the purpose of settling this matter economically and amicably without further litigation and shall not be used for any other purpose except for proceedings and matters arising under the Occupational Safety and Health Act and Article 21, Chapter 95 of the North Carolina General Statutes.

6. Upon approval of this Stipulation and Notice of Settlement by the Hearing Examiner, the Respondent agrees to pay the new proposed penalty of \$877.50.00 within ten (10) days following the receipt of the Order approving the Stipulation and Notice of Settlement.

7. Respondent agrees that by signing this Stipulation and Notice of Settlement and upon approval of said Stipulation and Notice of Settlement by the Hearing Examiner, its Notice of Contest is withdrawn as a matter of law.

8. The parties agree that there are no other matters that remain to be decided, and there has been no employee objection to the reasonableness of any abatement period.

9. Respondent shall post this Stipulation and Notice of Settlement in accordance with Rules .0107(e), .0107(f), .0107(h) and .0701(c) of the Rules of Procedure of the North Carolina Occupational Safety and Health Review Commission.

WHEREFORE, the parties to this action hereby respectfully request approval of this Stipulation and Notice of Settlement.

This the ____ day of _____, _____.

APPROVED BY:

Tom O'Connell
District IX Supervisor
Occupational Safety and Health Division

ROY COOPER
Attorney General

Melissa H. Taylor
Assistant Attorney General
North Carolina Department of Justice
Post Office Box 629/Labor Section
Raleigh, North Carolina 27602-0629

Telephone No. (919) 716-6680

ATTORNEYS FOR COMPLAINANT

Bill Rich
County Manager
Hyde County
PO Box 188
Swan Quarter, North Carolina 27885

Telephone No. (252) 926-4400

FOR RESPONDENT

Lois Stotesberry

From: Bill Rich <brich@hydecourtync.gov>
Sent: Monday, January 26, 2015 2:44 PM
To: Fred Holscher
Cc: lstotesberry@hydecourtync.gov
Subject: FW: Hyde County Sheriff's Department v. NCDOL OSH - Docket no. 2014-5635
Attachments: DRAFT - SETTLEMENT AGREEMENT -Hyde County.pdf

How's this look? I would like to get Commissions OK to settle on Monday.

Bill

From: Taylor, Melissa [<mailto:MTaylor@ncdoj.gov>]
Sent: Thursday, January 22, 2015 11:36 AM
To: brich@hydecourtync.gov
Subject: Hyde County Sheriff's Department v. NCDOL OSH - Docket no. 2014-5635

Mr. Rich,

Thank you for your recent letter regarding settlement of this case. I have reviewed your letter and the attached information with my client. After much discussion, my client is able to offer a 35% reduction of the penalty and include a nonadmission clause. I have drafted a settlement agreement for your review. Please review with your counsel and let me know as soon as possible. The hearing is still on the schedule for February 11, 2015.

I look forward to a favorable response.

Sincerely,
Melissa Taylor

Melissa H. Taylor
Assistant Attorney General



DEPARTMENT OF JUSTICE

North Carolina Attorney General's Office
<http://www.ncdoj.gov>

Physical Address:
Old Education Building
114 West Edenton St., Office 212
Raleigh, NC 27603

Mailing Address:
P.O. Box 629
Raleigh, NC 27602-0629
Main Office: 919.716.6680
Fax: 919-716-6709
Email: mtaylor@ncdoj.gov

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Board of Commissioners

Barry Swindell, Chair
Earl Pugh, Jr., Vice-chair
Ken Simmons
John Fletcher
Dick Tunnell

COUNTY OF HYDE

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesbury, CMC, NCCCC
Clerk to the Board



January 13, 2015

Melissa Taylor
North Carolina Department of Justice
Labor Section
P.O. Box 629
Raleigh, NC 27602-0629


Dear Ms. Taylor,

It was a pleasure speaking with you January 5, 2015 regarding the upcoming February 11th hearing with Hyde County and the North Carolina Occupational Safety and Health Review Board. During this conversation you mentioned an option for Hyde County to enter into a non-admission of guilt form settlement also you were going to consult with others regarding reduction of penalty. I have consulted with our County Attorney and we are in favor of agreeing to a non-admissions settlement as long as our Attorney approves the document. It would be very nice not to have to travel to Raleigh on February 11th for both the time and expense.

On August 26th of 2014 the Department of Labor offered to reduce our penalty to \$878.00. I declined this offer and attach a letter to the Department of Labor dated September 2, 2014 in which I outlined all we had done and are still doing to proactively remediate the implied situation. Since that letter we have in fact completed the new roof in Item No. 8 in the second page of my letter in a total cost to Hyde County \$127,500.00. Ms. Taylor I would ask that this non-admission statement also drop all penalties due to the total investment already made to resolve this issue.

I look forward to your response and hopefully a non-admission agreement that will allow Hyde County and the Department of Labor to put this situation to rest without need of a hearing in February.

Respectfully submitted


Bill Rich, County Manager

Cc: **County Commissioners**
Fred Holscher, County Attorney
Clint Berry, Maintenance Director
Corrinne Gibbs, Finance Officer

 **COPY**

Board of Commissioners

Barry Swindell, Chair
Carl Pugh, Jr., Vice-chair
Ken Simmons
John Fletcher
Dick Tunnell

COUNTY OF HYDE

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesbury, Clerk, NCCCC
Clerk to the Board



September 2, 2014

Tom O'Connell, OSHA Industrial Hygiene Supervisor
NC Department of Labor
Occupational Health & Safety Division
1101 Mail Service Center
Raleigh, NC 27699-1101

RE: OSHA File No. 317721538

Dear Mr. O'Connell,

In response to your letter of August 26, 2014 sent to Connie Gibbs (Corrinne Gibbs) please note that the informal conference date which was left blank in your letter was in fact August 18. Also there was no one entered in your letter to return the settlement agreement to if we chose to settle.

We appreciate your offer to reduce our citation penalty from \$1350 to \$878. However, we must decline. Please note in paragraph 5 (b) of your informal settlement agreement I am confused by that entire sentence in that you have reduced the penalty to \$878 yet still list \$1350 and paragraph 8 has nothing to do with the penalty.

A brief history of file No. 317721538:

- 08-06-2014 – Hyde County made request to Ann Weaver for a copy of the case file including pictures.
- 08-08-2014 – Hyde County received documentation that you were in receipt of our request for the file from Mildred Rivera. However, we are yet to receive any additional information.
- 08-19-2014 – After our informal conference with you of August 18 we sent you all of the Air Quality Inspections we've had done (which included: 01-12-2012; 02-07-2012; 09-25-2012; 07-31-2013; 06-27-2014 and 08-12-2014) on the building in question. All of the above were certified and done by Allied Environmental Services, Inc. and none of them showed any indication of black mold or any other mold.

After your inspection of June 27 and citation of July 28 we had Allied come back and do the August 12 inspection of each area listed in the citation. All were clean.

Mr. O'Connell Hyde County could not have been any more pro-active in dealing with this situation. A list is as follows:

1. We uplifted and supplied temporary quarters for Dispatch two different occasions so we could deal with the concerns addressed to the County by Dispatch and the Sheriff's Office.
2. Professionally cleaned the building with outside contractors on one occasion and our own public works staff on another.
3. As a precaution we have contracted to have both jail cells professionally cleaned.
4. We have hired a part-time person to clean and perform janitorial service for this building 16 hours a week.
5. On August 14 we changed all ceiling tiles and cleaned vents and lights in the three offices in question.
6. We have purchased a new commercial vacuum with a Hepa filter.
7. We have purchased three air purifiers and filter replacements.
8. We have signed a contract for new acrylic and urethane coated roof for \$104,500.00 and have spent \$23,000.00 engineering the roof for these improvements.

Mr. O'Connell once again we ask that you drop all claims against Hyde County concerning this Public Safety Center. Everything Hyde County did above was pro-active and based on their concern for their employee's health and safety without any professional indication that conditions in this building were anything other than typical and had never indicated a mold problem.

Respectfully submitted,

Bill Rich
County Manager

Cc: County Commissioners
Fred Holscher, County Attorney
Clint Berry, Utilities Director
Corrinne Gibbs, Finance Officer

2669 8284 0000 0946 7012

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Sent to: *Melissa Taylor - NC DOJ - Labor Section*
Street, Apt. No., or PO Box No.: *P.O. Box 629*
City, State, ZIP+4: *Raleigh, NC 27602-0629*

Postmark: *JAN 14 2015*
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- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Melissa Taylor
NC DOJ - Labor
P.O. Box 629
Raleigh, NC 27602-0629

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name): *Danny A. [unclear]* Date of Delivery: *JAN 20 2015*

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

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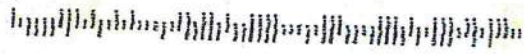
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 P.O. Box 188
30 Oyster Creek Road
Swan Quarter, NC 27885

Attn: Administration

0000100000



**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: February 2, 2015
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: REQUEST FOR LETTER TO NCDOT – FAIRFIELD
DRAINAGE DISTRICT

SUMMARY: Commissioner Ben Simmons asked that a letter from the Board be sent to NCDOT requesting permission to remove the trees on the east side of the highway at the Fairfield Drainage District so they will not impede the drainage of that section.

RECOMMEND: Approve draft letter to Sterling Baker, NCDOT Division Maintenance Engineer. (attached)

Motion Made By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Motion Seconded By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Vote: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Board of Commissioners

Barry Swindell, Chair
Earl Pugh, Jr., Vice-chair
Ben Simmons
John Fletcher
Dick Tunnell

COUNTY OF HYDE

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



January 27, 2015

NC Department of Transportation
Sterling Baker, Division Maintenance Engineer
113 Airport Road - Suite 100
Edenton, NC 27932

Dear Mr. Baker,

Hyde County Board of Commissioners hereby show their support for Fairfield Drainage District to remove the trees on the east side of the highway so they will not impede the drainage of that section.

Respectfully submitted,

Barry Swindell, Chairman

Cc: County Commissioners
Fred Holscher, County Attorney
Bill Rich, County Manager

**SIGN
HERE**

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: February 2, 2015
Presenter: Lois Stotesberry
Attachment: Yes

ITEM TITLE: EMPLOYEE ELIGIBILITY ON THE RECORDS RETENTION SCHEDULE

SUMMARY: The NC Department of Cultural Resources, Division of Archives and Records, reported that the language used in their local records schedules regarding employee eligibility records **the I-9 Verification Form required by U.S. Citizenship and Immigration Services** might be misinterpreted. In order to help everyone carry out their records retention responsibilities, an amendment to each local schedule that includes this item was prepared.

New wording for the disposition instructions for Employee Eligibility Records:

Mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later.

The intent of these disposition instructions is no different than those currently published in the county's Records Retention and Disposition Schedule (April 15, 2013) the amendment is purely for the sake of clarity.

RECOMMEND: Receive report.

Motion Made By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Motion Seconded By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Vote: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Lois Stotesberry

From: Bailey, Courtney <courtney.bailey@ncdcr.gov>
Sent: Tuesday, December 16, 2014 1:40 PM
To: County Clerks in North Carolina
Subject: [countyclerks] employee eligibility records amendments are available

The amendments to the Employee Eligibility Records on the local schedules are now available for download. You can find them at <http://www.ncdcr.gov/archives/ForGovernment/RetentionSchedules/LocalSchedules.aspx>. The schedules affected are:

- ABC Boards
- County Board of Elections
- County Management
- County Tax Administration
- County Veterans Services
- DMH/DD/SAS Local Management Entity
- Local Health Departments
- Public Hospitals
- Public Libraries
- Public Transportation Systems and Authorities
- Regional Councils
- Register of Deeds
- Water/Sewer Authorities and Sanitary Districts

If you missed my earlier post about the prompt for these amendments, check out my [October 30th post](#). After you have approved the amendment, please remember to send us a copy of your signature page:

Government Records Section
4615 Mail Service Center
Raleigh, NC 27699-4615

Fax: 919.715.3627

If you have any questions or concerns, please feel free to contact me.

Courtney Bailey
Records Analyst
Government Records Section
Division of Archives and Records
State Archives of North Carolina
Department of Cultural Resources
4615 Mail Service Center
Raleigh, NC 27699
(919) 807-7368
courtney.bailey@ncdcr.gov



Lois Stotesberry

From: Brenneman, Kurt <Kurt.Brenneman@ncdcr.gov>
Sent: Friday, October 31, 2014 11:34 AM
To: County Clerks in North Carolina
Subject: [countyclerks] New employee eligibility records disposition instructions

It has come to our attention that the language we use in our local records schedules regarding employee eligibility records — the [I-9 verification form](#) required by U.S. Citizenship and Immigration Services — might be misinterpreted. In order to help everyone carry out their records retention responsibilities, we will be posting an amendment to each local schedule that includes this item. Those schedules are:

- ABC Boards
- County Board of Elections
- County Departments of Social Services*
- County Management
- County Sheriff's Office*
- County Tax Administration
- County Veterans Services
- DMH/DD/SAS Provider Agency
- DMH/DD/SAS Local Management Entity
- Local Health Departments
- Municipal
- Public Hospitals
- Public Libraries
- Public Transportation Systems and Authorities
- Regional Councils
- Register of Deeds
- Water/Sewer Authorities and Sanitary Districts

(*NOTE: The County Departments of Social Services and County Sheriff's Office will shortly have updated schedules published, so this rewording will be incorporated into the update rather than as a separate amendment.)

Here is the new wording for the disposition instructions for Employee Eligibility Records:

Mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later.

The intent of these disposition instructions is no different than those currently published in your schedule; the amendment is purely for the sake of clarity. So while you're awaiting formal approval of this amendment, please be aware that you should already be retaining these I-9 forms throughout the duration of an individual's employment and at least 1 year beyond separation.

If you have any questions or concerns, please feel free to contact a Records Management Analyst at (919) 807-7350.

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: February 2, 2015
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: COURTHOUSE SECURITY

SUMMARY: Chairman Swindell received letters from Wayland J. Sermons, Jr., Senior Resident Superior Court Judge and Seth H. Edwards, District Attorney, requesting immediate attention to courthouse security. Judge Sermons and Mr. Edwards suggest appointing a courthouse security improvement committee and ask that the committee report back to the Board of Commissioners in time to make recommendations and have them considered in this year's budget.

RECOMMEND: Discussion. Appoint Courthouse Security Improvement Committee.

Motion Made By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Motion Seconded By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Vote: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher



State of North Carolina
General Court of Justice
Superior Court District 2
P.O. Box 575
Washington, NC 27889

Wayland J. Sermons, Jr.
Senior Resident Superior Court Judge

Phone Number: (252) 940-4016
Fax Number: (252) 940-4088

January 20, 2015

Mr. Barry Swindell, Chairman
Hyde County Board of Commissioners
P.O. Box 188
Swan Quarter, NC 27885

RE: Courthouse Security

Dear Mr. Chairman,

I am writing to address the issue of courthouse security. As you know, courthouses involve many diverse people who do not exhibit their very best behavior within our confines. It has become apparent in the last year or so that the courthouses in our district have not addressed courthouse security on a level to ensure the safety of the employees, jurors, court personnel, lawyers, and Judges.

While we all would like to not have to deal with one more issue taking away our freedoms to go about our business at a public facility such as the courthouse, the time has come for us to change our security.

I would direct your attention to the website of the National Center for State Courts, of which North Carolina is a member and I have personally visited and received judicial training. Their website is www.ncsc.org. This resource is typical of all of the experts' advice on courthouse security, and they all begin with the provision of a single point of entry into our courthouse. This way we would have metal detector screening on all entrances, and eyes on those entering by an officer who could alert courthouse staff of any possible threats. I enclose a portion of their recommendations for courthouse entrances.

I am writing to request that you immediately appoint a courthouse security improvement committee, which will consider, at the very least, a single point of entry, with a manned metal detector. Other points of entry can be by a keyless or a key pad entry for employees, staff, Judges and lawyers. We should also consider the placing of proper video cameras at strategic locations to alert us of potential security problems and to preserve evidence.

Please consider doing this as soon as possible, such that the committee can report back to you in time to be considered in this year's budget. I certainly will be glad to give you any further information or even appear before you if you feel like it will be necessary.

I realize that you are increasingly besieged with requests for funding, however I believe our courthouse provides a core function of government that must be delivered in a safe and protected environment. Thank you very much for your prompt response.

Very Truly Yours,

A handwritten signature in blue ink, reading "Wayland J. Sermons, Jr." in a cursive script.

Wayland J. Sermons, Jr.
Senior Resident Superior Court Judge
Second Judicial District

cc: The Honorable Michael A. Paul, Chief District Court Judge
Seth Edwards, District Attorney
Brandy C. Pugh, Hyde County Clerk of Court
Guire Cahoon, Sheriff of Hyde County

Category B: Extremely Important

TOPIC B-1: ACCESS OF PEOPLE INTO COURT BUILDING

Phase One

1. Establish only one main door through which the public can enter the court building and display a sign at the entrance clearly listing those items that cannot be brought into the court building.
 - Designate one or more of the doors to the building to be used only for one or more of the following: judges, court staff, and other building tenants, to enter with an access card or key. Lawyers and jurors should not be permitted to use this door but should enter through public entrances.
 - Keep all other exterior doors locked during business hours.
 - Emergency exit bars should be installed on all external exit doors. All exit doors should be alarmed, with ten second delay consistent with local codes. Establish signage that explains the "Exit Only" requirement.
 2. Establish protocols for entry through locked doors.
 - Tailgating* or bringing in family members/friends through these doors should not be allowed.
 - Delivery people and contractors should enter through the main door and be verified by an authorized representative requesting the delivery or service. The same procedure should be followed after verification at the main door to the court building for delivery people and contractors needing to use other external doors for service or delivery. These individuals should be escorted and supervised while in the building.
- *Note: In this context, tailgating is when an individual(s) enters a court building with a person who is authorized to properly gain entry with an access card or key.*
3. Assign one CSO to guard the public entrance to the court building on a full-time basis.
 4. Set up a table or other physical structure at the public entrance to serve as a screening station.
 5. Screen people coming in the public entrance for weapons by use of a hand wand and physical search of personal items.
 - Provide screener with a weapons ID chart.
 - Provide screener with a list of contraband items.
 6. Train the CSO for all Phase One tasks described above.
 7. Provide basic court security orientation training for judges and staff.

Phase Two

Continue all steps in Phase One, plus add the following:

8. Add a magnetometer at the main door (public entrance) to the court building.

9. Conduct a daily calibration and inspection of magnetometer, preferably by an authorized and trained supervisor.
10. Train CSO(s) in all tasks added in Phase Two, plus provide additional security training for judges, staff, jurors, and others.
11. Replace keys to the court building with access cards for judges, authorized court staff, and other building tenants' staff.
12. Install a CCTV camera at the main door (public entrance) to the court building.
13. Assign a second CSO* to assist with screening at the main entrance during high-traffic times of the day. During the day, a second CSO occasionally should conduct internal and external walk-around patrols and assist with courtroom security and security monitoring at the judge and authorized staff entrances.
14. Establish a code notification procedure between law enforcement and the court so screeners are aware if a dangerous person is likely to enter the building.
15. Add a duress alarm at the screening station.
16. Establish a policy that law enforcement officers entering the building on personal business may not bring in a weapon.

**Note: Staffing level in Phase Two is one full-time CSO at the screening station, plus one additional CSO for high-volume times.*

Phase Three

Continue all steps in Phases One and Two, plus add the following:

17. Install an x-ray machine at the public entrance screening station.
18. The second CSO referenced in step 13 should be assigned as a full-time, permanent CSO* to operate the public screening station. During slow periods, this second CSO can still be available for additional duties as described in step 13.
19. Establish additional policies and procedures for Phase Three operations as follows:
 - Conduct an annual inspection and certification of x-ray machines.
 - Provide a detailed, step-by-step manual and training on screening procedures.
20. Train CSOs in all tasks and provide security orientation training for judges and staff.
21. Add a CCTV camera at the judge/staff entrance door.

**Note: Staffing level in Phase Three is two full-time CSOs at the screening station.*

Best Practice

Continue all steps in Phases One, Two, and Three, plus add the following:

22. Assign a third CSO* to operate the public screening station: one CSO to operate the magnetometer, one to operate the x-ray machine, and one to handle problems. During low traffic times, the third CSO can assume another assignment. Ideally,

- all three CSOs should be armed, but at least one should be armed. (Armed CSOs should use a triple-retention holster.)
23. If two or more public screening stations are in operation, assign a fourth CSO as a supervisor to oversee operations.
 24. Install a magnetometer, x-ray machine, duress alarm, and CCTV camera to the judge/staff entrance. Consider allowing jurors to use this entrance.
 25. Assign at least two CSOs to the judge/staff entrance if staff or jurors use this entrance and at peak hours during the day. Otherwise, assign at least one CSO.
 26. Establish a universal screening policy. Universal screening means everyone entering the building is screened.
 27. When everything is in place, establish a policy that only law enforcement officers with responsibility for court security inside the building may bring a weapon into the building. Other law enforcement officers should be required to check their weapons in a lock box at the screening station(s).

**Note: Staffing level in Best Practice is three full-time CSOs for each public screening station, plus one additional CSO to supervise multiple stations, and two CSOs assigned to judge/staff/juror entrance.*

TOPIC B-2: AFTER-HOURS ACCESS TO COURT BUILDING

Phase One

1. Permit access into all areas of the court building via key or electronic card access. Keys and cards should be issued and controlled pursuant to a comprehensive accountability system that has been approved by the court's security committee.
2. Conduct background checks prior to issuing a key or access card to any person.
3. Conduct background checks for cleaning crews and any vendors granted after-hours access to the building. Cleaning crews and vendors should be supervised at all times by a person who is accountable to the court.
4. Monitor the activities of the public while in the building after hours.

Phase Two

Continue all steps in Phase One, plus add the following:

5. Eliminate the use of keys and implement the use of an access card system. As necessary, issue keys to a limited number of people only for emergencies, building maintenance purposes, and building security responsibilities.
6. Create a single access point into the court building that is guarded by a CSO who checks IDs and signs in all people entering the building after regular hours. As time permits, the CSO should periodically patrol the interior and exterior of the court building.
7. Update background checks periodically (at least annually).

FILED

2015 JAN 14 PM 1:42



HYDE COUNTY, C.S.C.

State of North Carolina
General Court of Justice
Second Prosecutorial District

BEAUFORT COUNTY OFFICE
252-940-4010

MARTIN COUNTY OFFICE
252-809-5110

SETH H. EDWARDS

DISTRICT ATTORNEY

P.O. DRAWER 1705

111 W. 2ND STREET

BEAUFORT COUNTY COURTHOUSE ANNEX
WASHINGTON, NC 27889

TYRRELL COUNTY OFFICE
252-796-4562

WASHINGTON COUNTY OFFICE
252-793-2007

January 12, 2015

Mr. Barry Swindell
Chairman, Hyde County Commissioners
7119 Sladesville-Credle Road
Scranton, NC 27875

RE: Courthouse Security

Dear Mr. Swindell:

I am writing you as well as the other four commissioner chairs in the Second Judicial District concerning courthouse security, or the lack thereof, in the courthouses in the respective counties. I have become increasingly concerned about the safety of those who frequent our courthouses, from occasional visitors to those who work there on a daily basis. It seems like there is a courthouse shooting or other type of security breach in the news every week. Our Resident Superior Court Judge, Wayland Sermons, and Chief District Court Judge, Michael Paul, join me in this request to include funds in your budget this year to increase security measures in the courthouses. I anticipate that the five Clerks of Court and High Sheriffs concur as well.

I along with the other stakeholders are more than willing to meet with you and discuss our ideas. Beaufort County Commissioner Chairman Gary Brinn has indicated to me that the commissioners intend to explore funding for courthouse security this year. In general, the plan would include a single point of entry to the courthouse for all members of the general public, who would be searched with the use of metal detectors prior to entry into the courthouse. This would of course require funding for at least one deputy sheriff to work this entrance at all

times while the courthouse is open for business. All courthouse employees, law enforcement, and other court officials (judges, lawyers) would have a separate, keyless entry into the courthouse.

I would also suggest that you explore funding to equip each courthouse with video surveillance, at a minimum at all points of entry and in the public hallways. In the event of some type of emergency situation, such as hostage, kidnapping, and assaults, having immediate access to video could save someone's life. It could also provide early leads in other situations at or near the courthouse, such as the recent theft of an ATM machine right out the front door of the Martin County courthouse.

I admit that it's unfortunate our society has reached this point, but the reality is we will never go back to the days when our doors to our houses and cars remained unlocked overnight. In order to safeguard those in and around the courthouse to the best of our ability, we have no choice but to implement these improvements as soon as possible.

I want to thank you in advance for your assistance. Please call on me or any of the judges, clerks, or sheriffs for more input.

With best regards, I am

Very truly yours,



Seth H. Edwards

she/r

CC: ~~The~~ Hon. Brandy Pugh
The Hon. Guire Cahoon

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: February 2, 2015
Presenter: County Manager Bill Rich
Attachment: No

ITEM TITLE: OCRACOCKE FIREWORKS

SUMMARY: Manager Rich has been asked by citizens to reinstate fireworks on Ocracoke. Fireworks were banned on the Island after the July 4, 2009 explosion.

RECOMMEND: Discussion.

Motion Made By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Motion Seconded By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Vote: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: February 2, 2015
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: ANIMAL CONTROL

SUMMARY: At the December 1, 2014 Board of Commissioners meeting County Manager Bill Rich reported Tyrrell County Manager David Clegg has agreed to recommend to the Tyrrell County Board of Commissioners an Interlocal Agreement merging Hyde County's Animal Control into Tyrrell County's Animal Control for a 90-day trial period. Animal Control Officer calls fee would be \$20.00 per hour plus mileage at State rate and boarding fees would be \$15.00 the first day and \$5.00 for each additional day. All Hyde County calls will initially be based on the same criteria currently in use.

Commissioners tabled voting on merging Hyde County's Animal Control with Tyrrell County's to allow Animal Control Officer J. M. Eakes an opportunity to discuss and if he wishes to make a counteroffer.

J. M. Eakes, Animal Control Officer, reported a full-time animal control officer is needed and should be placed under supervision of the Sheriff's Department. After discussion, Mr. Eakes stated he would match Tyrrell County's offer to provide animal control in Hyde County.

Manager Rich, Commissioner Pugh, Sheriff Cahoon and Animal Control Officer J. M. Eakes met on January 27th to develop the Animal Control program for Hyde County.

Mr. Eakes will present his proposal for Animal Control services.

RECOMMEND: Receive proposal.

Motion Made By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Motion Seconded By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Vote: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Chapter 4 - ANIMALS

FOOTNOTE(S):

--- (1) ---

State Law reference— Vaccination of dogs and cats, G.S. 130A-185; rabies vaccination tags, G.S. 130A-190; time of rabies vaccination, 10A N.C. Admin. Code 41G.0101; county may define and prohibit abuse of animals, G.S. 153A-127.

Sec. 4-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control officer means any person hired or contracted by the county to enforce the animal control ordinance established by the county or any county sheriff or any deputy sheriff of the county.

Animals which are a public nuisance means any animal that:

- (1) Chases and snaps at pedestrians, bicyclists or vehicles;
- (2) Repeatedly turns over garbage pails;
- (3) Repeatedly damages the property of others in such a manner or fashion as to create a public nuisance;
- (4) Any female animal running at large during the erotic stage of copulation; or
- (5) Habitual barkers.
- (6) Any domesticated animal that soils or defiles private or public property.

Owner means any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions, and behavior of vicious and destructive animals.

Stray animals means any animal that is wandering at large or lost and does not have an owner or one who appears to be wandering at large and is not claimed by any persons.

Vicious animal means any animal that has:

- (1) Made an unprovoked attack on any human whether it be by biting or otherwise;
- (2) In any manner caused abrasions or cuts of the skin on a human; or
- (3) Attacked or attacks humans, farm stock or other animals.

(Ord. No. 165, § 2, 4-7-2008; Amd. of 5-21-2012)

Sec. 4-2. - Penalty.

Any owner, as defined in section 4-1, who violates any provision of this chapter, shall be guilty of a misdemeanor and shall be fined no more than \$50.00, nor imprisoned for more than 30 days, at the court's discretion.

(Ord. No. 165, § 14, 4-7-2008)

Sec. 4-3. - Duties of animal control officer.

The county animal control officer or his duly appointed assistant shall be charged with the responsibility of:

- (1) Enforcing in the county all state or county laws, ordinances, and resolutions relating to animals or to the care, custody, and control of animals;
- (2) Cooperating with the health director and assisting in the enforcement of the state laws with regard to animals and especially with regard to dogs and cats and the confinement or leashing of vicious and destructive animals; and
- (3) Operating pursuant to the policies of the board of county commissioners.

(Ord. No. 165, § 1, 4-7-2008)

Sec. 4-4. - Keeping stray animals.

It shall be unlawful for any person in the county knowing and intentionally to harbor, feed, keep in possession by confinement or otherwise, any animal which does not belong to him, without the permission of the owner, unless he has within 24 hours from the time such animal came into his possession, notified the animal control officer.

(Ord. No. 165, § 3, 4-7-2008)

Sec. 4-5. - Rabies vaccination required.

All dogs and cats over four months of age running at large must display a current rabies tag, issued by a licensed veterinarian or rabies inspector.

(Ord. No. 165, § 4, 4-7-2008)

Sec. 4-6. - Rabies vaccination and control.

- (a) *Duties of the owner in case of bite.* Every animal which has bitten anyone or which shows symptoms of rabies shall be confined, such facts shall immediately be reported to the animal control officer by its owner or person having the animal in charge, and there upon shall be securely quarantined at the animal control officer's direction for a period of ten days, and shall not be released from such quarantine, except by written permission of the animal control officer. The biting animal and its records of vaccination and registration shall be inspected by the animal control officer who will then observe the following policy:
 - (1) A properly vaccinated animal may be confined on the owner's premises; provided, however, that an animal control officer determines that the owner has an adequate means of confinement upon his own premises and the animal is subject to observation by the officer at anytime during the ten-day period;
 - (2) An animal not properly vaccinated, belonging to an owner, shall immediately be confined in the county animal shelter, or an animal hospital, in which case the expense shall be borne by the owner for the ten-day period of confinement. The animal shall not be vaccinated during confinement; and
 - (3) A stray animal shall be immediately confined to the county animal shelter for a ten-day period.
- (b) *Surrender for quarantine required on demand.* Except as provided in subsection (a) of this section, when any animal has bitten a human, it shall be unlawful for the owner of the animal to refuse an investigation by the animal control officer. The animal control officer shall have the authority to place said animal in supervised quarantine at a place of his choosing. If rabies does not develop within ten days, the animal may be reclaimed upon payment of \$2.00 per day for feeding, applicable shelter

fees and upon the owner's having the animal properly vaccinated.

- (c) *Rabies diagnosed.* If an animal dies while under observation from rabies, then the head of such animal shall be submitted to the county health department for shipment to the state laboratory of hygiene for diagnosis.
- (d) *Killing or release of animal under observation prohibited.* It shall be unlawful for any person to kill or release an animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without written permission from the animal control officer.
- (e) *Surrender of dead animal.* The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer. The head of such animal shall be submitted to the county health department for shipment to the state laboratory of hygiene for diagnosis.
- (f) *Failure or refusal prohibited.* It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the animal control officer.

(Ord. No. 165, § 5, 4-7-2008)

Sec. 4-7. - Vicious animals.

It shall be unlawful for any person to permit his animal to run at large if such animal is vicious or has in the past been deemed vicious by a county animal control officer. In such cases, the owner of such animal or person harboring such animal, shall not permit such animal to leave the premises on which it is kept, unless it is on a leash and in the care of a responsible person. In the event of injuries caused by the vicious animal, the animal's owner shall be liable as provided by law.

(Ord. No. 165, § 6, 4-7-2008)

Sec. 4-8. - Animals that are public nuisance.

- (a) It shall be unlawful for any person to permit his animal to run at large if such animal has been deemed a public nuisance in writing by a county animal control officer. In such cases, the owner must keep the animal on his property at all times unless the animal is effectively leashed and under the control of a competent person.
- (b) It shall be unlawful for any person to permit his animal to habitually bark for an unreasonable length of time or to bark at night and constantly annoy the public.
- (c) It shall be unlawful for any person while harboring, walking, riding, in possession of or in charge of, a dog, horse, or other domesticated animal, on public property or public right of way, or any private property without the permission of the private property owner, to allow their animal to soil or defile said property. Every owner shall have in his or her possession a bag or other container that closes, which is suitable for removing feces deposited by the animal. For horses or other large domesticated animals, the animal must be equipped with a manure catcher to immediately prevent manure from soiling or defiling above referenced locations.

(Ord. No. 165, § 7, 4-7-2008; Amd. of 5-21-2012)

Sec. 4-9. - Impounding.

Any animal, which appears to be lost, strayed, unwanted or has been designated as vicious or a public nuisance and found running at large shall be confined in the animal shelter in a humane manner for a period of no less than five working days (excluding Saturdays, Sundays and holidays) for redemption by the owner.

- (1) *Placement or destruction.* If an impounded animal is not redeemed by the owner within five working days it may be taken by any responsible adult not associated with the shelter who is willing to comply with these animal control laws. An animal not redeemed within five days, exclusive of Saturdays, Sundays, and holidays, after being taken into custody, may be placed in a new home. An animal not redeemed by the owner or taken by a responsible adult may be destroyed in a humane manner by the animal control officer after the passage of five working days (excluding Saturdays, Sundays, and holidays).
- (2) *Notifying owner.* Immediately upon impounding an animal, the animal control officer shall make a reasonable effort to notify the owner, and inform such owner of the conditions whereby the animal may be redeemed.
- (3) *Suspected rabies.* Animals impounded which have been bitten by a rabid animal or appear to be suffering from rabies shall not be redeemed or sold, but shall be dealt with as provided herein.
- (4) *Other diseased or injured animals.* Where any animal impounded is badly wounded or diseased (not a rabies suspect) and has no identification the animal control officer shall attempt to notify the owner before disposing of such animal. If the owner cannot be readily reached, and the animal is suffering, the animal control officer may destroy the animal at his discretion in a humane manner.
- (5) *Vicious animals.* An animal control officer may destroy any vicious animal after he has made a reasonable attempt to place the animal in his control.

(Ord. No. 165, § 8, 4-7-2008)

Sec. 4-10. - Redemption procedure.

- (a) When any animal has been impounded at the animal shelter, notice thereof shall be given to the owner. The owner shall be entitled to resume possession of the animal, except as already provided for certain animals, upon compliance with the provisions of this chapter and the payment of any shelter and administrative fees incurred.
 - (1) The fees shall be as follows:
 - a. County administrative fees: \$35.00; and
 - b. Shelter fees: as set by the board of commissioners from time to time and posted at the kennel.
 - (2) The funds are to be paid to the county.
- (b) Unvaccinated dogs and cats must be vaccinated for rabies and the costs paid by the owner before being released. Dogs or cats impounded more than once within a year-period shall be neutered and any cost paid by the owner before being released.

(Ord. No. 165, § 9, 4-7-2008)

Sec. 4-11. - Abandonment.

It shall be a violation of this chapter for any person to abandon any animal in the county.

(Ord. No. 165, § 10, 4-7-2008)

Sec. 4-12. - Feeding stray animals.

It shall be a violation of this chapter to feed any dog that appears to be a stray or lost dog off one's own premises. Strays are to be reported to the animal control center.

(Ord. No. 165, § 11, 4-7-2008)

Sec. 4-13. - Exemptions.

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provision of this chapter.

(Ord. No. 165, § 12, 4-7-2008)

Sec. 4-14. - Kennel constructions.

- (a) It shall be a violation of this chapter to construct, or permit to be constructed, a dog kennel for any type of impoundment that confines dogs, whether on one's premises or not that has the capacity to house or contain more than four dogs, unless such structure is located no closer than 500 feet from the nearest residence or business occupied by a person other than the owner of such structure.
- (b) No commercial dog kennel shall be located within 1,000 feet of the nearest residence or business occupied by a person other than the owner of such structure.

(Ord. No. 165, § 13, 4-7-2008)

Sec. 4-15. - Citizen prosecution.

Nothing in this chapter shall prevent a private citizen from attempting to prosecute a violation of this chapter in either civil or criminal courts.

(Ord. No. 165, § 16, 4-7-2008)

Sec. 4-16. - Determination of a potentially dangerous dog.

- (a) The director or acting director of the county health department is hereby designated as the person responsible for determining when a dog is a potentially dangerous dog.
- (b) The county board of health is hereby designated as the board to hear any appeal from a determination made as to whether a dog is a potentially dangerous dog.

(Res. of 4-7-2008)

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 2, 2015
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: Update on the Proposed Ocracoke Leash Law Regarding Countywide vs. Ocracoke Only

SUMMARY: At the previous Board of Commissioners meeting on January 5, 2015 County Manager Rich reported he had been asked by Ocracoke residents to present request for a leash law on Ocracoke Island. After studying the Hyde County Code – Animal Control Ordinance No. 165, Manager Rich reported the County has an adequate leash law and it should be enforced.

Commissioner Fletcher asked County Attorney Holscher to research whether or not a leash law for Ocracoke can be adopted or does it have to be county-wide.

Mr. Holscher will report his findings.

Attached is copy of signed "Petition – Ocracoke Dog Leash Law".

RECOMMEND: Discussion.

Motion Made By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Motion Seconded By: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher

Vote: ☐ Barry Swindell
☐ Earl Pugh, Jr.
☐ Dick Tunnell
☐ Ben Simmons
☐ John Fletcher



PETITION

ECATS

We, the concerned residents of the Village of Ocracoke, fully support a need for a DOG LEASH LAW immediately to prohibit dogs from running free, unattended and at large within the village of Ocracoke at any time thereby extending the existing state requirement that prohibits them from running at large after dark.

Mauled by
dog 12/20/14

This is a necessary change as lately and historically there have been incidents involving vicious, unprovoked and deadly attacks by roaming dogs on other free range animals (cats, dogs, chickens, duck, at and at time, people).

We believe that the Owner is responsible for the care and behavior of his or her animals.

Please sign.

NAME

Address

J. H. Dak

Box 1464
Ocracoke NC

Ruth Fordan

Box 597
Ocracoke

Ernie Westervelt

Box 505

Lisa Moody

Ocracoke

Jim Moody

Ocracoke

Sue Ann Perkins

Ocracoke

Janille Turner

Ocracoke

Callie King

P.O. 1212

Sherry Atkinson

PO BOX 653

Roger Meacham

PO BOX 308

Shirley Jones

P.O. Box 2

Mandy Jones

PO Box 393

Jamie Turrell Carter

PO Box 693

Name

Address

Jim Pinn

PO Box 1195

Rebecca Trejo

Ocracoke

Taden Drilling

Karen Drilling

Sue Dullig

Cabanas

Charles Mayer

Ocr.

Don Robinson

Jerry R. Lukofsky

PO Box 781

Julia Hutchinson

Box 247

Brian Carter

PO Box 693

Loren Jenkins

P.O. Box 1283

Cindy R. Spencer

Tim Barnette

NAME

Address

DeAnna L. Locke PO Box 744
 Megan Aldridge Po 635
 Jackie Lupo 8 O'Neil Ln
 John Simpson PO Box 32
~~John Simpson~~ PO Box 1512

Lena A. O'Neal P.O. Box 1253
 Beach O'Neal T.O. Box 158
 Nathan Modlin PO Box 84
 MAURIZIO, IRATTA P.O. BOX 852
 Heidi Kromitten P.O. Box 540

Walter L. McGuff Box 733

~~Rita McGuff Box 733~~

~~Kathleen McGuff Box 733~~

MIKE KEITH

P.O. BOX 1272

RANDAL MATTHEWS P.O. Box 208

AUTORA DAWN ONEAL Box 301

Chloe O'Neal Box 30

Veronica Flores Box 1034

Sarah Fien Box 175

Nicky Bell Box 637

Nancy Flick

John Ferrara Box 637

Name

Address

~~James~~ Po Box 643
 Mary DePinto PO Box 954

Tudy Ashu
 Courtney Colm PO 1194

Robert Payne PO Box 723

Joseph McNamee PO 366

John Bullard po 436

Cyndi Gaskill PO 326

Katelyn Gaskill PO 326

M. Justin PO 384

JENNIFER RICH P.O. BOX 778

LAURA MICHAELS P.O. BOX 653

Linda Haskins P.O. Box 232

Shorell Blake 145 Sarah Ellen St
 Durham NC

Michele Whit PO Box 1682

Lesia Henry PO Box 158
 P. HSBORO NC 27312

Miranda Cain

Jenn Daniels PO Box 1046

Sara Warner P.O. Box 231

Brian Warner Box 231

Megan Vandenberg Box 143



PETITION

We, the concerned residents of the Village of Ocracoke, fully support a need for a DOG LEASH LAW immediately to prohibit dogs from running free, unattended and at large within the village of Ocracoke at any time thereby extending the existing state requirement that prohibits them from running at large after dark.

Mauled by
dog 12/20/14

This is a necessary change as lately and historically there have been incidents involving vicious, unprovoked and deadly attacks by roaming dogs on other free range animals (cats, dogs, chickens, duck, at and at time, people).

We believe that the Owner is responsible for the care and behavior of his or her animals.

Please sign.

NAME

Address

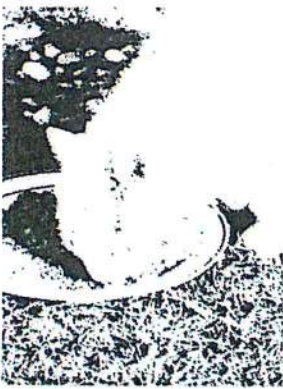
Name

Address

Kenneth A. Bond Box 597 O'coke
Betty Jane Oleschlegel BOX 366 OCRACOE

oh please

PETITION



Mauled by
dog 12/20/14

We, the concerned residents of the Village of Ocracoke, fully support a need for a DOG LEASH LAW immediately to prohibit dogs from running free, unattended and at large within the village of Ocracoke at any time thereby extending the existing state requirement that prohibits them from running at large after dark.

This is a necessary change as lately and historically there have been incidents involving vicious, unprovoked and deadly attacks by roaming dogs on other free range animals (cats, dogs, chickens, duck, at and at time, people).

We believe that the Owner is responsible for the care and behavior of his or her animals.

Please sign.

NAME	Address	Name	Address
Celeste Brook	PO Box 1121	Chrissy O'Neal	PO Box 654
Denise Hess	Ocracoke	Jamieson	Ocracoke
	PO Box 1023	Judith O'Neal	1351
	Ocracoke NC		PO Box 302
Kirk Hess	P.O. Box 1023		
	Ocracoke, NC		
Catherine Miled	PO Box 369		
Andy O'Neal	Ocracoke NC		
Alvin Reynolds	Ocracoke NC		
Francis Miller	PO Box 965		
John Ford	PO Box 354		

THIS SHOULD EXTEND TO CATS
I HAVE HISTORICALLY AND LATELY
SEEN UNPROVOKED ATTACKS ON
BOBY DOGS, BIRDS, MICE, ETC.!

I agree!
There are
10 cats in
my
yard
NONE
MINE



PETITION

We, the concerned residents of the Village of Ocracoke, fully support a need for a DOG LEASH LAW immediately to prohibit dogs from running free, unattended and at large within the village of Ocracoke at any time thereby extending the existing state requirement that prohibits them from running at large after dark.

Mauled by
dog 12/20/14

This is a necessary change as lately and historically there have been incidents involving vicious, unprovoked and deadly attacks by roaming dogs on other free range animals (cats, dogs, chickens, duck, at and at time, people).

We believe that the Owner is responsible for the care and behavior of his or her animals.

Please sign.

NAME

Address

Quie Montague
19 First Ave

KATY MITCHELL 101 CUTTING
SAGE

HOWARD ALLEN IRVIN
GARRISHY
STARR MCKAY
BOB CRESTNUT 139 WIDGEON

SUSIE HUTCHINSON 75 SAND DOLLAR
BIRK DOWE 391 MIDDLE ROAD

BALTON K 48 old church place

JENNIFER BRYAN 62 CUTTER SAGE LN

HEATHER ISHIDA 43 O'NEAL LANE OCRACOKE, NC 27960

RICHARD SPILLAR 3 HORSEMAN RD. OCRACOKE

SETH SHIPPERT
TRICIA PALMISTO

28 FIRST AVE
PO BOX 641 OCRACOKE.

Name

Address

CARINTE PRÊTE PO BOX 5 OCRACOKE

MURKEY BAKER PO BOX 5 "

MEL JEDIN PO BOX 1025 OCRACOKE

JANET GOSPEL PO BOX 401 OCRACOKE

MARTHA HARRISH PO BOX 272 OCRACOKE

MARY MCKAY PO BOX 662

SIAM FERTY P.O. BOX 116

GILLIAN DINFARCO

NAME

Address

Mark O'Neal Box 1253
 Laura B. Garrish PO Box 418 Ocracoke
 Gail Corning PO Box 413
 R. Wayne Self PO Box 775
 M. Mackwell P.O. Box 1B3
 Meeting Star Stables

Beck Tancu Box 1003
 Jennie Headly Box 1003
 Robert Olivarez 299 Sunset

Donna Drilling PO Box 6
 Delilah Bryan P.O. Box 426
 Annie Pfeiffer PO Box 942
 Jay Horning PO Box 132
 Bob Horning PO Box 132
 Jerry Mudgett PO Box 406
 MEGAN DILLON FLOYD, VA 24091

Alice Burness 662
 Deena Yeatts POB 522, V.
 GAEL HAWKINS POB 1060
 WILLIAM MILLER POB 1060
 JANE HAWKINS POB 1060
 Melissa Sharber PO Box 545
 Nelt Sharber PO Box 545

Name

Address

Jordan Jones P.O. Box 393
 Frances Miller Box 960
 Elaine Spencer 97 Creek Rd Ocracoke
 Lynn Spencer 278 Light House Rd
 Cathy Miller PO Box 369
 Pat Karler P.O. Box 344
 Teresa Davis PO Box 1356

My name is Lisa Tart and I do not live on Ocracoke but I express my support for havin a leash law.

Visitor

I would like to be on the petition for a leash law. I am out of state now...Mary Howard Turner [Dallie].

Resident

I would support a lease law for Ocracoke Village, Tim Dixon 407 Cornwallis Rd. Teachey, NC 28464

Former Resident

I have been a summer resident since 1972 and my family owns several properties. We have seen the population explode, and with it the need to manage pets in a responsible manner. A leash law is necessary for countless reasons.

Valerie Gokturk
29 Margaret ST
Glen Cove, NY 11542



3/1/12/2014

*Part Time Resident
+
Property Owner*

Ocracoke Leash Law petition

The folks assembled here and those represented by this petition of 137 names collected over the last week, need help from the county to establish an enforceable leash law for Ocracoke that has some bite (no pun intended). The intention is to prevent free roaming, unleashed dogs that are perceived to be dangerous or a nuisance from repeated aggressive attacks on other dogs, cats, ducks, chickens or other domestic animals. The owners would be held responsible for the behaviors of these dogs. This law would provide recourse for those affected.

There have been recent events on Ocracoke where free roaming dogs have come onto others personal property and have killed or maimed personal pets. This photo taken in December shows damage inflicted by a dog on a cat owned by merchants in the village. The vet bill for this incident was \$187.

This leash law is not aimed at people who own dogs and who do have control of their dog's behavior when not on their own property. This leash law would primarily be used when the need for control of a free roaming animal is evidenced by complaints to the authorities in charge of enforcement. As it appears now, although a Hyde County animal ordinance does exist, there is nothing the sheriff's deputies can do if a dog comes onto personal property and kills other dogs, cats, ducks, chickens or other domestic animals sheltered on that property. There has been no recourse and that is not fair or right.

Animal behavior research has shown that the more times a dog kills, the more instinctive that behavior of killing tends to become in that dog. It is more likely to continue killing. The behavior does not go away, it only becomes stronger. The owners of dogs that demonstrate that killing instinct need to know that the County has enforcement rules and penalties that are compelling and effective for controlling this type of problem.

In the case of Terry Lukefahr's report to the Sheriff's office of her cat being killed by a roaming dog, there was no recourse given to her. The existing Hyde County ordinance (chapter 4) regarding dangerous dogs was not mentioned. Personally, I doubt that many Ocracoke residents know about it. That alone suggests that this ordinance has very little useful value as a guide for enforcement on Ocracoke.

There are leash restrictions for dogs on the beaches, NC has state statutes that comprise the state's dog laws, specifically chapter 67, section 12 that addresses the issue of dogs running free at night. Many other counties within NC have established a leash law.

We hope that this request can be taken to the county attorneys and a feasible legal solution can be formulated to address this problem.

We also respect the need for management of other free roaming animals that present problems for residents and hope the resulting action from the county can be broad and encompass a variety of needs. This petition is considered a step in that direction.

Thank you. Ruth Fordon

The Virginian-Pilot

Monday

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Mauro Ibarra stocks produce at the Ocracoke Variety Store. Ibarra and his wife arrived in Ocracoke in 1992 in search of work, and he and his family have been there ever since.

RICH JOSEPH FACUN PHOTOS | THE VIRGINIAN-PILOT

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from the front



Mauro Ibarra has worked at the Ocracoke Variety Store for 18 years. "I thank God," he said. "He has been good to me."

RICH JOSEPH FACUN PHOTOS | THE VIRGINIAN-PILOT

OCRACOKE | Two languages, one community

Continued from Page 1

The demographic change has transformed Ocracoke School, which serves pre-kindergarten through 12th grade. Of its 161 students, 52 are Hispanic.

Miguel Monter walked into the school a decade ago speaking no English. The fifth-grader would pretend to study the chalkboard to hide that he couldn't understand people speaking to him.

He and his family had arrived in 2005 from Hidalgo, Mexico, when his father got a construction job.

The school's program for English as a second language was only a couple of years old. After regular classes were over, Miguel would often study with ESL teacher Flavia Burton. He wrote and repeated sentences such as, "Today we went to P.E. and I played soccer with my friends."

Ocracoke School adapted by adding classrooms and expanding the gym on the small campus in the geographic and social center of town. A dolphin carved from driftwood and mounted on poles represents the mascot in the small front yard. The Atlantic Ocean pounds the shoreline a mile south, and the Pamlico Sound waterfront lines the village's edge a few hundred feet to the north and east.

The school is part of a close-knit community where children respect their teachers, Principal Walt Padgett said.

"Ocracoke is a throwback," he said.

Most parents walk to the school grounds each day to pick up their children and stroll through the tree-lined streets. Burton rides a bicycle to and from work. Padgett commutes in a golf cart. Sooner or later, a teacher will run into a student's parents in town.

Ocracoke, a popular tourist destination that can be reached only by ferry, boat or small plane, attracts hundreds a day in the summer. The inns, restaurants and shops that serve all those visitors mingle with private homes along the few narrow streets that branch from N.C. 12 as it curves through the village.

And as Mauro Ibarra's friend told him back in 1992, all of those businesses need workers.

Ibarra packed his belongings in the Impala and traveled from the farm where he worked near Washington, N.C., to Swan Quarter.

"We had never seen a ferry in our life," he said, standing in a back room of the Ocracoke Variety Store, where he has worked for 18 years. "We were scared."

When a ferry employee asked where he was going, Ibarra pointed across the expansive sound and said in a heavy accent, "That way."

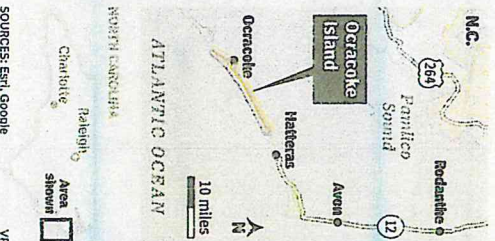
He did not know how to pronounce the island's name.

The Ibarra's began working at the Silver Lake Motel, cleaning rooms seven days a week. The owners provided room and board. Ibarra learned to cook hamburgers and hot dogs.

Retired resident Warren Ritchie trained him on the



Ocracoke School fourth-grader Osiris Trejo, 9, works with Flavia Burton, the school's English as a second language teacher.



SOURCES: Esri, Google

VP

grill.

"He was a real hard worker," Ritchie said.

Today, Ibarra continues to work at the Variety Store six or seven days a week from before sunrise to well after dark.

Other business owners wanted workers from farms near Washington, N.C., said Ibarra, who in his teens left his home in the Mexican state of Hidalgo to work on crews in Texas, Tennessee, Florida, Georgia and North Carolina.

"They knew we would work seven days a week nonstop," Ibarra said. "They wanted more Mexicans."

Many came, worked the summer and left. But more and more chose to stay.

Two of the Ibarra's children are in classes at Ocracoke School. Their oldest, Mitchell, was among the first Hispanics to graduate from there, said Burton, the ESL instructor.

"I thank God," Ibarra said. "He has been good to me."

On a recent school day, Angela Flores and Heidi Lora sang a ditty about words starting with "p."

"Pop went the popcorn, pop, pop," they sang.

"P" was the letter of the week. Angela's words whistled a little because she was missing two front teeth.

The school began its ESL program 12 years ago, Burton said. She works with about a dozen students. Her small classroom brims with instructional materials, from a jar full of plastic lowercase letters to books such as

"Otto's Orange Day." Bricia Rivera, a 10th-grader born in Ocracoke, excels in both languages. She speaks Spanish at home with her parents and English at school.

"I'm getting all 100s," she said.

Most of the younger Hispanic students already speak the language well. First-graders Angela and Heidi were born in Ocracoke.

Burton uses the Pledge of Allegiance to teach the subtleties of the language - "under God" has a more literal meaning to native Spanish speakers such as ninth-grader Jade Lopez. Jade was born in the U.S. but moved to Mexico when she was 4. She came to Ocracoke to live with an aunt early last year.

When asked a question in English, Jade turned to Burton for translation. She responded in Spanish, still too shy to speak in English. She hopes to master the language and go to college to become a psychologist, she said through Burton.

"The first year is very hard," Burton said. She looked at Jade with expectation. Jade repeated in a heavy accent "The first year is very hard."

Miguel Monter also struggled in school at first. But Burton and his bilingual Hispanic friends helped him. When he scored in the high 80s on the sixth grade end-of-year test, he finally believed he would make it.

"It took a lot of hard work," he said, "but I got there." Early on, Monter gained confidence with his cooking skills. In his final days at Ocracoke School, he and Burton baked 150 cupcakes for the academic banquet.

"He became a rock star," she said.

The 19-year-old graduated from high school in 2013 with dreams of becoming a chef. The day he walked across the stage to receive his diploma, Burton said, "I was as proud as a mama."

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